

I. REMARKS

Claims 1-19 are pending in this application. Claims 8-19 are withdrawn from consideration, and claims 1-7 are under examination and stand rejected. No amendments are requested.

II. THE REJECTIONS UNDER 35 U.S.C. § 103 OVER GOZDZ

Claims 1-7 stand rejected under 35 U.S.C. § 103/102(e) over U.S. Patent No. 5,552,239 (issued Sept. 3, 1996) to A. S. Gozdz *et al.* (the "'239 Patent") in view of U.S. Patent No. 6,306,539 (issued Oct. 23, 2001) to G. C. Zguris *et al.* ("Zguris").

Pursuant to 35 U.S.C. § 103(c), the '239 Patent is not available as prior art under 35 U.S.C. § 102(e)/103, thus, the rejection should be withdrawn. Applicants filed on October 3, 2001 and, therefore, are entitled to the provisions of 35 U.S.C. § 103(c) effective for applications filed on or after November 29, 1999. Under 35 U.S.C. § 103(c), subject matter developed by another person that qualifies as prior art only under 35 U.S.C. § 102(e) is not available as prior art under § 103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Both the '239 Patent and the Application were under assignment obligation to Telcordia, Inc. ("Telcordia") at the time the invention claimed in the Application was made.

The '239 Patent lists Bell Communications Research, Inc. ("Bell") on its face as the assignee. Name change from Bell to Telcordia was effective on March 16, 1999, and was recorded at Reel/Frame 010263/0311 on October 4, 1999.

In an assignment executed on October 1, 2001, and recorded at Reel/Frame 012180/0556, the Application's inventors (all under an obligation to assign to Telcordia) assigned all their rights in the Application to Telcordia.

In sum, pursuant to 35 U.S.C. § 103(c), the '239 Patent is not prior art under 35 U.S.C. 102(e)/103 to the Application. The Examiner is respectfully referred to MPEP 706.02(1)(2)(II), Eighth Edition (Revised Feb. 2003). Accordingly, the obviousness rejection over the combination of Zguris and the '239 Patent should be withdrawn.

III. CONCLUSION

In view of the above remarks, Applicants have overcome all rejections, and reconsideration is requested. No fee is required for entry of this Reply. If any fee is due, however, please charge the required fee to deposit account number 501358.

Respectfully submitted,



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